

H/H

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

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MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

United States of America ex rel.

DENNIS W. ROGERS JR R41290

(Full name and prison number)

(Include name under which convicted)

PETITIONER

vs.

(Warden, Superintendent, or authorized
person having custody of petitioner)

RESPONDENT, and

(Fill in the following blank only if judgment
attacked imposes a sentence to commence
in the future)

ATTORNEY GENERAL OF THE STATE OF

ILLINOIS

(State where judgment entered)

08CV5014

JUDGE KENDALL

MAG. JUDGE NOLAN

Case Number of State Court Conviction:

NO. 03 CF 257

PETITION FOR WRIT OF HABEAS CORPUS - PERSON IN STATE CUSTODY

1. Name and location of court where conviction entered: Circuit Court For the 17th
Judicial Circuit, Boone County, Illinois
2. Date of judgment of conviction: January 28, 2005
3. Offense(s) of which petitioner was convicted (list all counts with indictment numbers, if known)
first degree murder (720 ILCS 5/9-1(a)(2))
4. Sentence(s) imposed: 45 years
5. What was your plea? (Check one)

(A) Not guilty	()
(B) Guilty	(<input checked="" type="checkbox"/>)
(C) Nolo contendere	()

If you pleaded guilty to one count or indictment and not guilty to another count or indictment, give details:

PART I – TRIAL AND DIRECT REVIEW

1. Kind of trial: (Check one): Jury () Judge only (✓)
2. Did you testify at trial? YES () NO (✓)
3. Did you appeal from the conviction or the sentence imposed? YES (✓) NO ()

(A) If you appealed, give the

- (1) Name of court: Appellate Court of ILLINOIS
- (2) Result: Appeal denied
- (3) Date of ruling: DEC. 9, 2006
- (4) Issues raised: Abuse of discretion

(B) If you did not appeal, explain briefly why not:

~~IN ORDER TO AVOID RE-APPEALING THE CASE TO THE HIGHEST STATE COURT, I DECIDED NOT TO APPEAL.~~

4. Did you appeal, or seek leave to appeal, to the highest state court? YES (✓) NO ()

(A) If yes, give the

- (1) Result: Denied
- (2) Date of ruling: MAR 28, 2007
- (3) Issues raised: INEFFECTIVE assistance of counsel.

(B) If no, why not:

5. Did you petition the United States Supreme Court for a writ of *certiorari*? Yes () No (✓)

If yes, give (A) date of petition: _____ (B) date *certiorari* was denied: _____

PART II - COLLATERAL PROCEEDINGS

1. With respect to this conviction or sentence, have you filed a post-conviction petition in state court?

YES (✓) NO ()

With respect to *each* post-conviction petition give the following information (use additional sheets if necessary):

A. Name of court: Boone County circuit court.

B. Date of filing: MAY, 2007

C. Issues raised: ineffective assistance of counsel.

D. Did you receive an evidentiary hearing on your petition? YES () NO (✓)

E. What was the court's ruling? it was without merit

F. Date of court's ruling: SEP, 13, 2007

G. Did you appeal from the ruling on your petition? YES () NO (✓)

H. (a) If yes, (1) what was the result? _____

(2) date of decision: _____

(b) If no, explain briefly why not: MISSED DEADLINE

- I. Did you appeal, or seek leave to appeal this decision to the highest state court?

YES () NO (✓)

(a) If yes, (1) what was the result? _____

(2) date of decision: _____

(b) If no, explain briefly why not: MISSED DEADLINE

2. With respect to this conviction or sentence, have you filed a petition in a **state court** using any other form of post-conviction procedure, such as *coram nobis* or habeas corpus? YES () NO (✓)

A. If yes, give the following information with respect to each proceeding (use separate sheets if necessary):

1. Nature of proceeding _____
2. Date petition filed _____
3. Ruling on the petition _____
4. Date of ruling _____
5. If you appealed, what was the ruling on appeal? _____
6. Date of ruling on appeal _____
7. If there was a further appeal, what was the ruling? _____
8. Date of ruling on appeal _____

3. With respect to this conviction or sentence, have you filed a previous petition for habeas corpus in **federal court**? YES () NO (✓)

A. If yes, give name of court, case title and case number: _____

B. Did the court rule on your petition? If so, state

- (1) Ruling: _____
- (2) Date: _____

4. With respect to this conviction or sentence, are there legal proceedings pending in any court, other than this petition? YES () NO (✓)

If yes, explain: _____

PART III – PETITIONER'S CLAIMS

1. State briefly every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. You may attach additional pages stating additional grounds and supporting facts. If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds later.

BEFORE PROCEEDING IN THE FEDERAL COURT, YOU MUST ORDINARILY FIRST EXHAUST YOUR STATE COURT REMEDIES WITH RESPECT TO EACH GROUND FOR RELIEF ASSERTED.

(A) Ground one ABUSE OF DISCRETION

Supporting facts (tell your story briefly without citing cases or law):

The court abused its discretion in sentencing because
substantial mitigating factors were present that the
court ignored and the court erred in finding as an
aggravating factor that the murder was a brutal
and heinous act indicative of wanton cruelty.

(B) Ground two ineffective assistance of trial counsel
 Supporting facts:

The trial counsel coerced me into taking a
guilty plea by telling my family that I would
get the death penalty if I refused the states
offer.

(C) Ground three
Supporting facts:

(D) Ground four
Supporting facts:

2. Have all grounds raised in this petition been presented to the highest court having jurisdiction?

YES ☒ NO ()

3. If you answered "NO" to question (2), state briefly what grounds were not so presented and why not:

PART IV - REPRESENTATION

Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

- (A) At preliminary hearing Azhar J. Minhas, Boone County Circuit Court.
 (B) At arraignment and plea Azhar J. Minhas
 (C) At trial Azhar J. Minhas
 (D) At sentencing Azhar J. Minhas
 (E) On appeal Kathleen Weck, 2010 LARKIN AVE. ELGIN, IL, 60123
 (F) In any post-conviction proceeding Myself
 (G) Other (state): _____

PART V - FUTURE SENTENCE

Do you have any future sentence to serve following the sentence imposed by this conviction?

YES () NO (X)

Name and location of the court which imposed the sentence: _____

Date and length of sentence to be served in the future _____

WHEREFORE, petitioner prays that the court grant petitioner all relief to which he may be entitled in this proceeding.

Signed on: 8-19-08
 (Date)

 Signature of attorney (if any)

I declare under penalty of perjury that the foregoing is true and correct.

D. P. [Signature]
 (Signature of petitioner)

R41290
 (I.D. Number)

PO BOX 711, MENARD, IL, 62259
 (Address)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

STATE OF ILLINOIS

Plaintiff,

v.

DENNIS ROGERS JR

Defendants.

No. _____

The Honorable _____

Judge Presiding.

NOTICE OF FILING

TO:

CLERK OF THE UNITED STATES DISTRICT COURT
PRISONER CORRESPONDENT

219 S. DEARBORN ST. CHICAGO, IL 60604

PLEASE TAKE NOTICE that on or before the 18 day of
AUGUST, 2008, I shall file with the Clerk
of the U.S. District Court For The NORTHERN District
of Illinois, the attached Plaintiff's PETITION FOR WRIT OF
HABEAS CORPUS.

a copy of which is hereby served upon you.

By: DENNIS ROGERS JR
Register Number R41290
Post Office Box 711,
Menard, Illinois 62259

CERTIFICATE OF SERVICE

I, DENNIS W. ROGERS JR, being duly sworn aver
that I have served copies of the foregoing to the person named above
by placing such copies in the U.S. Mailbox at the Menard Correctional
Center on the 19 day of AUGUST, 08; postage
prepaid. UNDER THE PENALTY OF PERJURY THE FOREGOING IS TRUE AND
CORRECT.

[Signature]
Affiant/